

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LATONIA SMITH,

Plaintiff

Case No. 3:22-cv-00539-ART-CSD

ORDER

v.

DARIN BALAAM, et al.,

Defendants

On December 7, 2022, pro se plaintiff Latonia Smith, an inmate in the custody of the Bureau of Prisons (“BOP”) housed at the Washoe County Detention Facility, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). In her complaint, Smith acknowledged that she would not be at the Washoe County Detention Facility by the time the Court received her complaint because the BOP was planning to move her. (See ECF No. 1-1 at 9-10). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

I. DISCUSSION

A. Filing Fee

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a

1 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
 2 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
 3 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her
 4 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 5 See 28 U.S.C. § 1915(b).

6 As explained above, Plaintiff has neither paid the full filing fee nor applied to
 7 proceed *in forma pauperis*. The Court gives Plaintiff **until February 6, 2023**, to either pay
 8 the filing fee or submit an application to proceed *in forma pauperis*.

9 **B. Updated Address**

10 According to the BOP inmate database, Plaintiff is no longer at the address listed
 11 with the Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a
 12 “pro se party must immediately file with the court written notification of any change of
 13 mailing address, email address, telephone number, or facsimile number. The notification
 14 must include proof of service on each opposing party or the party’s attorney. Failure to
 15 comply with this rule may result in the dismissal of the action, entry of default judgment,
 16 or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court
 17 grants Plaintiff **until February 6, 2023**, to file her updated address with this Court. If
 18 Plaintiff does not update the Court with her current address by **February 6, 2023**, this
 19 case will be subject to dismissal without prejudice.

20 **II. CONCLUSION**

21 It is therefore ordered that Plaintiff has **until February 6, 2023**, to either pay the
 22 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
 23 three required documents: (1) a completed application with the inmate’s two signatures
 24 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 25 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the
 26 previous six-month period.

27 It is ordered that Plaintiff will file her updated address with the Court **by**
 28 **February 6, 2023**.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
3 to refile the case with the Court, under a new case number, when Plaintiff can file a
4 complete application to proceed *in forma pauperis* or pay the required filing fee and file
5 an updated address with the Court.

6 The Clerk of the Court is directed to send Plaintiff Latonia Smith the approved form
7 application to proceed *in forma pauperis* for an inmate and instructions for the same and
8 retain the complaint (ECF No. 1-1) but not file it at this time.

9 The Clerk of the Court is also directed to send Plaintiff Latonia Smith a courtesy
10 copy of this order and attachments to her at Latonia Smith, Register #55918-048, FMC
11 Carswell, Federal Medical Center, P.O. Box 27137, Fort Worth, TX 76127.

12 DATED: December 8, 2022.

13 

14 UNITED STATES MAGISTRATE JUDGE